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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/762,387	02/07/2001	Toshiaki Shinohara	1900/00020	3991

7590 08/10/2005

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EXAMINER

DESIR, JEAN WICEL

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 08/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/762,387

Applicant(s)

SHINOHARA ET AL.

Examiner

Jean W. Désir

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 6/24/05, Amendment with RCE.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 3-6, 10 and 13-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3-5 and 13-27 is/are allowed.
- 6) ☒ Claim(s) 6 and 10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 6, 10 are rejected under 35 U.S.C. 102(e) as being anticipate by Eto et al (US 5,701,581).

#### **Claim 6:**

Eto discloses:

“A data transmission control system (see Figs. 11, 18), comprising a plurality of transmitting devices (items 101, 123, 124, 118 of Fig. 11, 301, 302 of Fig. 18) for transmitting compressed image data and a plurality of receiving devices (items 101, 123, 124, 118 of Fig. 11, 301, 302 of Fig. 18) for receiving compressed image data all of said transmitting and receiving devices being connected with each other over a network (items 110 of Fig. 11, 303 of Fig. 18), said system being arranged such that each of said receiving devices can be switched (items 307 of Fig. 18) so as to receive compressed image data from a desired one of said transmitting devices, each of said receiving devices

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comprising means for sending (items 119, 120, 121, 122 of Fig. 11, items 307 of Fig. 18), through said network an I frame sending request to one of said transmitting devices, which one is the transmitting device from which compressed image data is to be received after switching (col. 17 lines 6-38, col. 22 line 11 to col. 23 line 15, col. 24 lines 46-64), each of said transmitting devices comprising means responsive to said I frame sending request to send out compressed image data of I frame to said network (col. 17 lines 6-38, col. 22 line 11 to col. 23 line 15, col. 24 lines 46-64), whereby when switching from one of said transmitting devices to another is performed with respect to one of said receiving devices, said transmitting device which is to transmit compressed image data after switching is able to send said compressed image data of I frame in response to said I frame sending request to said receiving device, which sent said I frame sending request, within a shortest time (col. 22 lines 11-45, col. 24 lines 46-64)".

Claim 10:

The claimed "means for setting a data amount of image data including I frame constituting the compressed image to a value lower than a transmissible data amount, and means for providing free time up to arrival of the next data group" is disclosed, see Eto at Fig. 18 items 302, 303, 301, Fig. 19, where Eto teaches a data transmission control system (Figs. 18, 19) that has means for setting a data amount of image data (items 304 of Fig. 19 for instance) including I frame constituting the compressed image to a value lower than a transmissible data amount (items 305' of Fig. 19 for instance), and means for providing free

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time (the free time between items 304 and 305' for instance) up to arrival of the next data group.

### ***Response to Arguments***

3. Applicant's arguments have been fully considered but are moot in view of reinterpretation of the reference necessitated by the amendment.

### ***Allowable Subject Matter***

4. Claims 3-5, and 13-27 are allowed.


### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean W. Désir whose telephone number is (571) 272 7344. The examiner can normally be reached on 5/4/9 - First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on (571) 272 7353. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**JWD****Aug. 3, 05**

**JOHN MILLER**  
SUPERVISORY PATENT EXAMINER  
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